

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

August 20, 2007

DIVISION ONE

B195548 Los Angeles County, D.C.S. (Not for Publication)
v.
Raymond S., Sr. & Celia M.

B197499 In re Celia M. on Habeas Corpus

B197606 In re Raymond S., Sr. on Habeas Corpus

The order denying Celia’s section 388 petition is affirmed. Both parents’ petitions for writs of habeas corpus are denied. The order terminating Celia and Raymond’s parental rights is reversed subject to the following conditions. The matter is remanded to the dependency court for the limited purpose of assuring that DCFS inquires into Celia’s alleged American Indian heritage and notifies BIA and any and all appropriate tribes of the dependency proceedings involving Raymond Jr., Jesse, and Angel. DCFS shall give the dependency court proof of such notice, including copies of the notice sent, proof of service, return receipts, and any responses received, as provided in California Rules of court, rule 5.664(f). If neither BIA nor any appropriate tribe responds within 60 days of receipt of said notice and states that the children are or may be eligible for tribal membership, the dependency court shall reinstate the order terminating parental rights. If, however, the children are determined to be Indian children under ICWA, Celia or Raymond may then petition the dependency court to invalidate any earlier orders that violated sections 1911, 1912, or 1913 of Title 25 of the United States Code. (25 U.S.C. § 1914; Cal. Rules of Court, rule 5.664(n); *In re Brooke C.*, *supra*, 127 Cal.App.4th at pp. 385-386.)

Rothschild, J.

We concur: Mallano, Acting P.J.
 Jackson, J. (assigned)

DIVISION ONE (continued)

[illegible]

The judgment is modified to impose the additional fees, penalties, and surcharges described in the immediately preceding paragraph. The case is remanded to the trial court to prepare an amended abstract of judgment reflecting these additional fees, penalties, and surcharges and to forward a copy to the Department of Corrections. As modified, the judgment is affirmed.

Rothschild, J.

We concur: Mallano, Acting P.J.
 Vogel (Miriam A.), J

DIVISION THREE

B185107 Inglewood Redevelopment Agency
v.
Elias Aklilu

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION FOUR

B191743 People (Not for Publication)
v.
Callender

The judgment is affirmed.

Suzukawa, J.

We concur: Epstein, P.J.
Willhite, J.

B193048 People (Not for Publication)
v.
Niebla

The matter is remanded to the trial court for resentencing. Although the court may impose only one life term pursuant to section 667.61, subdivision (b) for counts 12, 13, 14, 15, and 16, it is not barred by Apprendi from imposing consecutive determinate terms for the remainder of those offenses. The trial court is directed to send a corrected abstract of judgment to the Department of Corrections. In all other respects, the judgment is affirmed.

Suzukawa, J.

We concur: Epstein, P.J.
Willhite, J.

August 20, 2007 (Continued)

DIVISION FOUR (continued)

B193803 People (Not for Publication)

V.

Osborne

The judgment is reversed.

Suzukawa, J.

We concur: Epstein, P.J.

Willhite, J.

B187691 Magic Kichen LLC et al.

V.

Good Things International, Ltd., et al.

Filed order denying petition for rehearing.

DIVISION FIVE

B196829 Los Angeles County, D.C.S. (Not for Publication)

V.

Edgar S.

The judgment is affirmed.

Kriegler, J.

We concur: Turner, P.J.

Armstrong, J.

DIVISION FIVE (continued)

B196705 Los Angeles County, D.C.S. (Not for Publication)

v.

La Tiersa B.

The judgment is affirmed.

Kriegler, J.

We concur: Turner, P.J.
 Armstrong, J.

B190197 People (Not for Publication)

v.

Andres Gonzalez

The judgment is affirmed.

Kriegler, J.

We concur: Turner, P.J.
 Mosk, J.

B190508 People (Certified for Partial Publication)

v.

Arturo Martinez

The judgment is affirmed.

Mosk, J.

We concur: Turner, P.J.
 Kriegler, J.

DIVISION FIVE (continued)

B194495 Michael Fouse (Not for Publication)

v.

Don Shin

We reverse the judgment dismissing the action and awarding attorney fees under Code of Civil Procedure section 425.16. We also reverse the judgment sustaining the demurrer as to the Unruh Act claim and the claim for intentional infliction of emotional distress. However, we affirm the judgment dismissing the claims for violation of the California Medical Information Act, fraud, and negligence. The parties are to bear their own costs on appeal.

Kriegler, J.

We concur: Turner, P.J.
Mosk, J.

B195373 Peter Neise (Not for Publication)

v.

Empire West Foam Corporation

The judgment of dismissal is affirmed. As defendant did not defend the appeal, no costs are awarded

Mosk, J.

We concur: Armstrong, Acting P.J.
Kriegler, J. w/opinion

DIVISION FIVE (continued)

B187943 People (Not for Publication)

V.

Steven Guerrero et al

The judgments are affirmed as modified to impose the state court fee as to Mr. Kephart and the state court construction as to both defendants.

Turner, P.J.

We concur: Armstrong, J.

Kriegler, J.

B189114 People (Not for Publication)

V.

Michael Loza

The judgment is affirmed as to counts 1 and 7. As to counts 5-6 and 8-9, the sentences are reversed. Under the applicable sentencing law, the trial court is to: select a principal term; set the length of the term; calculate the sentences on the subordinate terms; and impose the state court fees and penalties as noted. The judgment is affirmed in all other respects.

Turner, P.J.

We concur: Armstrong, J.

Kriegler, J.

DIVISION FIVE (continued)

B195619 People (Not for Publication)

V.

Arthur Ross

The judgment is affirmed as modified to impose the state court fees and penalties as noted.

Turner, P.J.

We concur: Armstrong, J.

Kriegler, J.

DIVISION SIX

B197691 People (Not for Publication)

V.

Glover

The judgment (MDO recommitment order) is affirmed.

Yegan, J.

We concur: Gilbert, P.J.

Perren, J.

B196461 People (Not for Publication)

V.

Tartaglione

The judgment (MDO recommitment order) is affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.

Perren, J.

DIVISION SIX (continued)

B192816 People (Not for Publication)
v.
Robles

In B194071, the petition for writ of mandate must be, and is, denied. Without a certificate of probable cause, the appeal (B192816) is inoperative and must be dismissed. (*People v. Panizzon, supra*, 13 Cal.4th at pp. 89-90; *People v. Mendez* (1999) 19 Cal.4th 1084, 1095.)

Yegan, J.

We concur: Gilbert, P.J.
Perren, J.

B193756 People (Not for Publication)
v.
Garcia

The judgment is modified to include a \$200 court security fee pursuant to section 1465.8, subdivision (a)(1), and fully consecutive terms for counts 7 and 9, and is otherwise affirmed. The trial court shall forward an amended abstract of judgment to the Department of Corrections.

Coffee, J.

We concur: Gilbert, P.J.
Perren, J.

August 20, 2007 (Continued)

DIVISION SIX (continued)

B192905 Gurican (Not for Publication)

V.

County of San Luis Obispo

The judgment is reversed. Costs on appeal awarded to appellant.

Gilbert, P.J.

We concur: Coffee, J.

Perren, J.

DIVISION SEVEN

B191200 People (Not for Publication)

V.

Thomas

The judgment is affirmed.

Woods, J.

I concur: Perluss, P.J.

I dissent: Zelon, J. (Opinion)

DIVISION EIGHT

B194695 People (Not for Publication)

V.

Grinstead

The judgment is affirmed.

Flier, J.

We concur: Rubin, Acting P.J.

Boland, J.

DIVISION EIGHT (continued)

B192842 Ball (Not for Publication)

v.
Westfield Corporation, Inc., et al.,

The judgment is reversed. The parties are to bear their own costs on appeal.

Flier, J.

We concur: Cooper, P.J.
 Boland, J.

B190191 Washington (Not for Publication)

v.
Allstate Indemnity Company

The judgment is affirmed. Respondent is to recover its costs on appeal.

Flier, J.

We concur: Rubin, Acting P.J.
 Boland, J.

B194669 Los Angeles County, D.C.S. (Not for Publication)

v.
Jaime G.,
In re Priscilla G., a Person Coming Under the Juvenile Court Law.

The order is affirmed.

Flier, J.

We concur: Cooper, P.J.
 Rubin, J.

DIVISION EIGHT (continued)

B194647 Brown (Not for Publication)

v.
Marinos

The judgment is reversed and the case is remanded with directions: (1) to sustain respondent's demurrer to the cross-complaint with leave to amend, and (2) to conduct further proceedings, if any, in accordance with the views expressed in this opinion. The parties are to bear their own costs on appeal.

Flier, J.

We concur: Cooper, P.J.
 Boland, J.

B191655 Hernandez et al., (Certified for Publication)

v.
Ruelas et al.,

The judgment is affirmed. Respondents are to recover their costs on appeal.

Flier, J.

We concur: Rubin, Acting P.J.
 Boland, J.

B189156 Barnes

v.
Ralphs Grocery Store et al.,

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)